

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Arnold S. Lipka; Joseph W. Epstein

Serial No.: 10/764,373

Group Art Unit: 1626

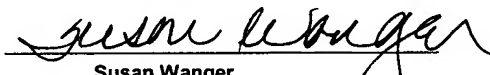
Filing Date: January 23, 2004

Examiner: Taofiq A. Solola

For: (-)-1-(3,4-DICHLOROPHENYL)-3-AZABICYCLO[3.1.0]HEXANE,  
COMPOSITIONS THEREOF, AND USES AS A DOPAMINE-  
REUPTAKE INHIBITOR

I, Susan Wanger certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop RCE, the Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

On November 14, 2005.

  
Susan Wanger

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**RESPONSE**

Further to the Notice of Appeal filed September 14, 2005, to the Amendment submitted on August 3, 2005, and to the Advisory Action dated September 14, 2005, Applicants respectfully request reconsideration of the application in view of the following remarks. A Request for Continued Examination and the appropriate fee are submitted herewith.

**Patentability Under 35 USC § 103**

Claims 24, 26-29, 31-44 and 49-52 are rejected under 35 USC § 103(a) as allegedly unpatentable over Beer et al., US 6,204,284.

Applicants respectfully submit that the subject matter of claims 24, 26-29, 31-44 and 49-52 is neither disclosed nor suggested by Beer et al., US 6,204,284 B1 for reasons set forth herein and otherwise of record in the application (see, e.g., Amendment dated August 3, 2005, incorporated herein).

To properly assess the issues of obviousness presented in the instant case, the Office's attention is respectfully directed to the Federal Circuit's decision in In re Pleuddemann (15